

**MICHAEL J. TREBILCOCK** — *Professor of Law and Economics*, University of  
Toronto

LL.M.           University of Adelaide, Australia  
LL.B.           University of Canterbury, New Zealand

## **ACADEMIC POSITIONS**

1997 and 1999           Global Law Professor, NYU Law School

1996                    Visiting Professor, University of Virginia Law School

1972–present           Professor of Law, University of Toronto

1988–present           Chairman, International Business and Trade Law Programme, University  
of Toronto Law

1976–present           Director, Law and Economics Programme, University of Toronto Law  
School

1/1985–6/1985           Visiting Professor, Yale Law School

1976                    Fellow, Law and Economics, University of Chicago Law School

1972–present           Professor of Law, University of Toronto Law School

1970–1972            Associate Professor of Law, McGill Law School

1969–1970            Visiting Professor of Law, McGill Law School

1967                    Senior Lecturer, University of Adelaide

1964                    Lecturer in Law, University of Adelaide

1963                    Tutor, Law School, University of Adelaide

Graduate Supervision:   30 LL.M.'s since 1969 and 13 Ph.D.'s

Graduate Courses Taught: Alternative Approaches to Legal Scholarship; The Public Policy-  
Making Process; International Trade Regulation

LL.B. Courses Taught:   Commercial Law, Corporate Law, Contract Law, Competition Law,  
Government Regulation, Social Security Law, Economic Analysis of  
Law, International Trade Regulation, The Limits of Freedom of  
Contract, Debtor-Creditor Law, Consumer Protection Law



University Law School Committees: Admissions Committee, Curriculum Committee, Graduate Committee, Hiring Committee

## RESEARCH GRANTS

### Programme Grants

- Olin Grant to Law and Economics Programme (1989)
- Connaught Grant to Legal Theory and Public Policy Programme (1985)
- Connaught Seed Grant to Law and Economics Programme (1976–1980)
- Donner Foundation Grant to Law and Economics Programme

### Joint Project Grants

- *Tort Reform Project*, American Law Institute (1990)
- *Medical Malpractice*, Federal-Provincial Health Care Task Force (1988)
- *Adjusting to Trade*, Economic Council of Canada (1988)
- *The Political Economy of Economic Adjustment*, Macdonald Royal Commission (1985)
- *The Political Economy of Business Bailouts*, Ontario Economic Council (1984)
- *The Choice of Governing Instrument*, Economic Council of Canada (1980)
- *Federalism and the Canadian Economic Union*, Ontario Economic Council and Canada-US Law Institute (1980)
- *Crown Corporations in Canada*, Ontario Economics Council (1978)

## PROFESSIONAL AFFILIATIONS AND HONORS

- Secretary-Treasurer, American Law & Economics Associates (2000)
- Research Director, Ontario Electricity Market Design Committee (1998)
- Research Director, Ontario legal Aid reform Task Force (1997)
- Director, Centre for the Study of State and Market (1995–)



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- Director, Law & Economics Programme, University of Toronto (1976–)
- Recipient of Molson Prize from the Canada Council for contributions to the Social Services and Humanities (1999)
- Elected Foreign Fellow of the American Academy of Arts and Services (1999)
- Awarded an Honorary Doctorate in Law, McGill University (1999)
- Recipient, Joint Award of the Canadian Law Teachers Association and Law Reform Commission of Canada for outstanding contributions to legal research and law reform (1990)
- Appointed a University Professor, University of Toronto (1990)
- Lay Member, Canadian Competition Tribunal (1987–1989)
- Elected Fellow, Royal Society of Canada (1987)
- Recipient, Walter Owen Prize for best English legal text in Canada, for *The Common Law of Restraint of Trade* (1986–1988)
- Member, Research Board, University of Toronto (1986–1988)
- Recipient, University of Toronto Teaching Award (1986)
- Director, Laidlaw Foundation (1985– )
- Member, Research Council of the Canadian Institute of Advanced Research (1982–1986)
- Member, Presidential Advisory Committee on Institutional Strategy (PACIS), University of Toronto (1982–1983)
- Acting Research Director, Institute of National Affairs, Papua New Guinea (1982)
- Research Director, Professional Organizations Committee, Government of Ontario (1976–1980)
- Chairman, Consumer Research Council (1975–1976)
- Barrister and Solicitor of the High Court of Ontario (1975)
- Member of the Ontario Bar (1976–)
- National Vice-President, Consumers Association of Canada (1974–1975)



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- Participant, Summer Institute, Economics for Law Professors, University of Rochester (1974)
- Chairman, Regulated Industries Program, Consumers Association of Canada (1973–1975)
- Member, Academic Advisory Panel, Department of Consumer and Corporate Affairs (1973–1975)
- Barrister and Solicitor of the Supreme Court of New Zealand (1964– )

**PUBLICATIONS**

**Books**

*The Regulation of International Trade* (with Howse). 2<sup>nd</sup> Edition. Routledge, 1999.

*The Making of the Mosaic: A History of Canadian Immigration Policy* (with Ninette Kelley). University of Toronto Press, 1999.

*Getting There: The Agreement on Internal Trade* (with Schwannen, ed.). CD Howe Institute, 1995.

*Exploring the Domain of Accident Law: Taking the Facts Seriously* (with Dewees and Duff). Oxford University Press, 1996.

*Unfinished Business: Reforming Trade Remedy Laws in North America* (with Boddez). CD Howe, 1993.

*The Limits of Freedom of Contract*. Harvard University Press, 1993.

*Fair Exchange: Reforming Trade Remedy Laws* (with York, ed.). CD Howe Institute, 1990.

*Trade and Transitions* (with Chandler and Howse). Routledge, 1990.

*Regulating Traffic Safety* (with Friedland and Roach). University of Toronto Press, 1990.

*Canadian Competition Policy: A Legal and Economic Analysis* (with Dunlop and McQueen). Canada Law Book Co., 1987.

*The Common Law of Restraint of Trade: A Legal and Economic Analysis*. Toronto, 1986.  
(Winner of Walter Owen Prize.)



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*The Political Economy of Economic Adjustment: The Case of Declining Sectors.* Macdonald Royal Commission, Research Monograph, 1986.

*The Political Economy of Business Bailouts* (with Chandler, Quinn, Halper, and Gunderson). Ontario Economic Council, 1986.

*Federalism and the Canadian Economic Union* (with Prichard, Whalley, and Courchene, eds.). University of Toronto Press, 1983.

*Lawyers and the Consumer Interest* (with Evans, ed.). Butterworths, 1982.

*Professional Regulation* (with Tuohy and Wolfson). Ontario Government Printer, 1979.

*The Professions and Public Policy* (with Slayton, ed.). University of Toronto Press, 1978.

**Chapters in Books**

“The Value and Limits of Law and Economics,” in Hadfield and Richardson eds., *The Second Wave of Law and Economics*, Federation Press, 1999.

“Competition Policy and Intellectual Property Rights” (with Gallini), in Anderson & Gallini, eds. *Competition Policy and Intellectual Property Rights*, Industry Canada, 1998.

“Immigration Policy,” in Palgrave, *Dictionary of Economics and the Law*, 1998.

“What Makes Poor Countries Poor? The Role of Institutional Capital in Economic Development” (Buscaglia and Cooter, eds.), *The Law and Economics of Development*, JAI Press, 1997.

“Choice of Policy Instrument in the Provision of Public Infrastructure” (with Daniels), in Mintz, ed., *Infrastructure and Competitiveness*, John Deutsche Institute, 1994.

“The Future of Ontario Hydro: A Review of Structural and Regulatory Options” (with Daniels), in Daniels, ed., *Ontario Hydro at the Millennium: Has Monopoly’s Moment Passed?*, McGill-Queen’s Press, 1996.

“Throwing Deep: Trade Remedy Laws in a First-Best World” (in Trebilcock and York, eds.), *Fair Exchange: Reforming Trade Remedy Laws*, CD Howe Institute, 1990.

“The Evolution of Competition Policy: A Comparative Perspective” (in Mathewson, Trebilcock, and Walker, eds.), *The Law and Economics of Competition Policy*, Fraser Institute, 1990.

“Economic Analysis of Law” (in Devlin, ed.), *Studies in Canadian Legal Theory*, Carswell, 1990.



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“Can We Become Better Losers? The Political Economy of Economic Adjustment” (in Maslove and Winer, eds.), *Knocking on the Back Door*, IRPP, 1987.

“Federalism and the Canadian Economic Union” (in Bakvis and Chandler, eds.), *Federalism and the Role of the State*, University of Toronto Press, 1987.

“Customary Land Law Reform in Papua New Guinea,” *Adelaide Law School Centenary Essays*, 1983.

“Crown Corporations in Canada” (with Prichard), in Chandler and Atkinson, eds., *Public Policy Making in Canada*, University of Toronto Press, 1982.

Licensure in Law” (with Reiter), in Evans and Trebilcock, eds., *Lawyers and the Consumer Interest*, Butterworths, 1982.

“Comparative Advertising” (in Evans and Trebilcock, eds.), *Lawyers and the Consumer Interest*, Butterworths, 1982.

“Policy Options in Quality Regulation,” (with Dewees), in Dewees, ed., *Quality Regulation*, 1983.

“Regulating the Quality of Psychotherapeutic Services” (with Shaul), in Dewees, ed., *Quality Regulation*, 1983. Also in *Journal of Law and Human Behaviour*, 1983.

“An Approach to Framing Regulatory Policies for the Professions” (with Tuohy and Wolfson), in Rottenberg, ed., *Occupation Licensure*, American Enterprise Institute, 1980.

“Crown Corporations: The Calculus of Instrument Choice” (with Prichard), in Prichard, ed., *Public Enterprise in Canada*, Butterworths, 1983.

“The Consumer Interest and the Regulatory Process” (with Prichard and Waverman), in Duggan and Dorvall, eds., *Consumer Protection Law and Theory*, Law Book Co., 1980.

“Interprovincial Restrictions on the Mobility of Resources” (with others), Ontario Economic Council, 1977.

“Markets for Regulation” (with Prichard and Waverman), *Government Regulation*, Ontario Economic Council, 1978.

“Economic Analysis of Commercial Law” (with Prichard), Annual Commercial Law Workshop Volume, 1978.

“Problems of Economic Integration in a Decentralized Federation” (with Shiroky), *The Canadian Confederation at the Crossroads*, Fraser Institute, 1978.



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“The Consumer Interest and Regulatory Reform” (in Doern, ed.), *The Regulatory Process in Canada*, Macmillan, 1978.

“The Consumer in the Post-Industrial Market-Place” (in Lindgreen and Mason, eds.), *The Corporation and Australian Society*, Law Book Co. of Australia, 1974.

“When is a Consumer Protection Bill not a Consumer Protection Bill?,” Wainwright Lecture Collection, 1971.

**Academic Articles**

“The State of Efficiencies in Canadian Merger Policy” (with Winter), *Canadian Competition Record* 19, 106, 2000.

“Electricity Restructuring: The Ontario Experience” (with Daniels), *Canadian Business Law Journal*, 33, 161, 2000.

“Government by Voucher” (with Daniels), *Boston University Law Review*, 80, 205, 2000.

“Market Power Issues in Electricity Industry Restructurings” (with Gal), *Journal of World Competition*, 22, 119, 1999.

“Risk Regulation: Technocratic and Democratic Tools for Regulatory Reform” (with Fraiberg), *McGill Law Journal*, 43, 835, 1998.

“Rethinking Consumer Protection Policy” (with Hatfield and Howse), *Journal of Consumer Policy*, 1998.

“Trade Liberalization and Regulatory Diversity: Reconciling Competitive Markets with Competitive Politics” (with Howse), *European Journal of Law and Economics*, 6, 5, 1998.

“The Limits of the Full Court Press: Blood and Mergers” (with Austin), *University of Toronto Law Journal*, 48, 1, 1998.

“Private Enforcement of Competition Laws” (with Roach), *Osgoode Hall Law Journal*, 34, 462, 1996.

“Rethinking the Role of the Competition Tribunal” (with Campbell and Janisch), *Canadian Bar Review*, 76, 297, 1997.

“An Introduction to Law and Economics,” *Monash University Law Review*, 23, 124, 1997.

“Protecting the Employment Bargain” (with Howse), *University of Toronto Law Journal* (forthcoming).



“Rethinking Anti-Competitive Conspiracy Law” (with Warner), *McGill Law Journal* (forthcoming).

“Competition Policy and Trade Policy: Mediating the Interface,” *Journal of World Competition*, 1996.

“Public Accountability in an Age of Contracting Out” (with Atwood), *Canadian Business Law Journal* 27, 1996.

“Private Provision of Public Infrastructure: An Organizational Analysis of the Next Privatisation Frontier” (with Daniels), *University of Toronto Law Journal* 46, 375, 1996.

“The Economics of Nuclear Accident Law” (with Winter), *International Review of Law and Economics* 17, 215, 1997.

“The Fair Trade – Free Trade Debate: Trade, Labour and the Environment” (with Howse), *International Review of Law and Economics*, 1996.

“Do Institutions Matter: A Comparative Pathology of the HIV-Infected Blood Tragedy” (with Howse and Daniels), *Virginia Law Review* 82, 1407, 1996.

“The Prospects for Reinventing Government,” CD Howe Institute, Toronto, 1994.

“Can Governments Be Reinvented?” (in Boston, ed.), *The State in an Age of Contracting Out*, 1995.

“Voice and Exit in New Zealand Health Care Reforms” *University of Auckland Research Journal*.

“The Canadian Internal Trade Agreement” (with Behboodi), in Schwanen and Trebilcock, *Getting There*, CD Howe Institute, 1995.

“Testing the Limits of Freedom of Contract: Commercialization of Reproductive Technologies and Materials” (with Martin, Lawson, and Lewis), *Osgoode Hall Law Journal* 32, 613, 1994.

“Reforming Trade Remedy Law in North America” (with Boddez), *Minnesota Journal of Global Trade*, 1994.

“The Medical Malpractice Crisis: A Comparative Empirical Perspective” (with Dewees and Coyte), *Law and Contemporary Problems* 65, 217, 1991.

“Taking Stock: Consumerism in the 1990s,” *Canadian Business Law Journal* 19, 412, 1991.

“The Role of Private Ordering in Family Law: A Law and Economics Perspective” (with Keshvani), *University of Toronto Law Journal* 5, 41, 1991.



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“The Efficacy of the Tort System and its Alternatives: A Review of the Empirical Evidence” (with Dewees), *Osgoode Hall Law Journal* 57, 30, 1992.

“Making Hard Social Choices: Lessons From the Auto Accident Compensation Debate” (with Chapman), *Rutgers Law Review* 78, 44, 1992.

“Smaller or Smarter Government?” (with Howse and Prichard), *University of Toronto Law Journal* 40, 498, 1990.

“Trade Restrictive Policies and Democratic Politics: A Proposal for Reform” (with Chandler and Howse), *Public Law* 1, 234, 1990.

“An Empirical Analysis of the Application of Canadian Antidumping Laws: A Search for Normative Rationales” (with Hutton), *Journal World Trade* 24, 123, 1990.

“Punitive Damages: Divergence in Search of a Rationale” (with Chapman), *Alabama Law Review* 40, 741, 1989.

“The Future of Tort Law: Mapping the Contours of the Debate,” *Canadian Business Law Journal* 15, 1989.

“The Case for Free Trade,” *Canadian Business Law Journal* 14, 387, 1988.

“Incentive Issues in the Design of No-Fault Compensation Schemes,” *University of Toronto Law Journal*, 1988.

“The Role of Insurance Considerations in the Choice of Efficient Civil Liability Rules,” *Yale Journal Law Economics and Organization*, 1988.

“The Social Insurance-Deterrence Dilemma of Modern North American Tort Law,” *San Diego Law Review* 24, 929, 1987.

“Economic Mobility and Constitutional Reform” (with Lee), *University of Toronto Law Journal* 268, 1987.

“Restrictive Covenants in the Sale of a Business,” *International Review of Law and Economics*, 1984.

“The Law and Economics of Contract Modifications” (with Aivazian and Penny), *Osgoode Hall Law Journal* 22, 173, 1984.

“Communal Property Rights: The Papua New Guinean Experience,” *University of Toronto Law Journal* 34, 377, 1984.



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“Products Liability and the Allergic Consumer – A Study in the Problems of Framing an Efficient Liability Regime” (with Rogerson), *University of Toronto Law Journal*, 1986.

“Regulatory Reform and the Political Process” (with Hartle), *Osgoode Hall Law Journal* 20, 643, 1982.

“The Prospects of Law and Economics: A Canadian-Perspective,” *Journal Leg. Ed.* 33, 288, 1983.

“The Administration of the Federal Hazardous Products Act” (with Shaul), *The Canadian Business Law Journal*, 1982.

“Lawyers Advertising” (with Hudec), *The University of Western Ontario Law Review*, 1982.

“The Choice of Governing Instrument” (with Hartle), *The International Review of Law and Economics*, UK, 1982.

“Compensation, Transition Costs and Regulatory Change” (with Quinn), *University of Toronto Law Journal*, 1982.

“The Deregulation Debate,” *Canadian Marketer* 10, 9, 1979.

“An Economic Analysis of Limited Liability in Corporation Law” (with Halpern and Turnbull), *University Toronto Law Journal* 117, 30, 1980.

“An Economic Analysis of Cost and Fee Rules and Class Actions” (with Dewees and Prichard), *Journal of Legal Studies* 10, 155, University of Chicago, 1981.

“A Tax Credit for Public Interest Groups” (with Engelhart), *Canadian Taxation*, 1982.

“Judicial Control of Standard form Contract: An Economic Analysis” (with Dewees), in Veljanovski and Burrows, eds..

“A Consumer Perspective on the Anti-Dumping Act” (with Quinn), *Canada-US Law Journal*, 1979.

“An Economic Approach to the Doctrine of Unconscionability” (in Reiter and Swan, eds.), *Essays in the Law of Contract*, Butterworths, 1979.

“The Doctrine of Inequality of Bargaining Power,” *University of Toronto Law Journal* 26, 359, 1976.

Class Actions and Private Law Enforcement” (with Prichard), *U.N.B.L.J.* 5, 27, 1978.

“Regulators and the Consumer Interest,” *Canadian Business Law Journal* 2, 101, 1977.



“The Pathology of Credit Breakdown,” *McGill Law Journal* 22, 417, 1976.

“Winners and Losers in the Modern Regulatory System: Must the Consumer Always Lose?,” *Osgoode Hall Law Journal* 13, 417, 1975.

“Market Considerations in the Formulation of Consumer Protection Policy” (with Cayne), *University of Toronto Law Journal* 23, 396, 1973.

“Manufacturers’ Guarantees,” *McGill Law Journal* 18, 2, 1972.

“Private Law Remedies for Misleading Advertising” *University of Toronto Law Journal* 22, 1972.

“Protecting Consumers Against the Purchase of Defective Merchandise,” *Adelaide Law Review* 4, 12, 1971.

“Consumer Protection in the Affluent Society,” *McGill Law Journal* 16, 263, 1970.

“Reform of the Law Relating to Consumer Credit,” *Melbourne University Law Review* 7:4, 315, 1970.

“When does a Settlement ‘Take Effect’?,” *Australian Law Journal* 42, 308, 1969.

“Company Law Problems in Family Tax Companies,” *Australian Law Journal*, January/February/March 1969 issues.

“The Liability of Company Directors for Negligence,” *UK Modern Law Review*, September 1969.

“Re-opening Hire-purchase Transactions,” *Australian Law Journal* 41, 424, 1968.

“Effects of Alternations to Articles of Association,” *The Conveyancer* 31:2, 95, 1967.

“Rights on a Bill of Exchange,” *University of Tasmania Law Review* 2:3, 270, 1966.

“Company Contracts,” *Adelaide Law Review* 2:3, 310, 1966.

“Taxation of Assigned Income,” *The Australian Lawyer* 4, 121 and 145, 1963.

“Section 260: A Critical Examination (Income Tax),” *Australian Law Journal* 38, 237, 1964. (Discussed and applied by the New Zealand Supreme Court in *Lewis v. Commissioner of Inland Revenue*, *New Zealand Law Review* 634, 1965.

“Scope of the Defence of Provocation in New Zealand Law” *New Zealand Law Journal*, 619, 1963.



“Finders Keep — How True Today?,” *New Zealand Law Journal*, 276, 1962.

### Published Academic Reports

“The Role of the Civil Justice System in the Choice of Governing Instrument” (with Howse). For the *Civil Justice Review*, Ontario Ministry of the Attorney General, 1996.

“The Limits of Freedom of Contract: The Commercialization of Reproductive Materials and Services” (with Martin, Lawson, and Lewis). The Royal Commission on New Reproductive Technologies, 1993.

“Medical Malpractice: An Empirical Analysis of the Canadian Experience” (with Dewees and Coyte). Federal-Provincial Task Force on Malpractice Liability, 1989.

“Adjusting to Trade: A Comparative Perspective” (with Chandler and Howse). Economic Council of Canada, Discussion Paper, December 1988.

“The Politics of Positive Sum” (Courchene *et al.*, eds.). For *Ottawa, Money and Power*, Ontario Economic Council, 1985.

“A Survey of Industrial Policies in Selected OECD Countries” (with Chandler). Macdonald Royal Commission, 1985.

“Case Studies in the Choice of Governing Instrument” (with Hartle, Prichard, and Dewees). Economic Council of Canada, 1981. (Working paper)

“Public Participation in Collective Decision-making: The Question of Funding” (with Engelhart). Economic Council of Canada, Regulation Reference, Working Paper, 1981.

“Policy Options in the Regulation of Asbestos-Related Health Hazards” (with Tuohy). Royal Commission on Asbestos, 1982.

“Public Strategy and the Canadian Motion Picture Industry” (with Lyon). Ontario Economic Council, 1982.

“The Choice of Governing Instrument” (with Hartle, Prichard, and Dewees), Economic Council of Canada, 1982.

“The Role of the Private Sector in the Economic Development of Papua New Guinea.” Institute of Natural Affairs, 1983.

“Public Enterprise in Papua New Guinea.” Institute of National Affairs, 1982.

“Land Policy in Papua New Guinea,” (with Knetsch). The Institute of National Affairs, Port Moresby, 1981.



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“The Scope of Section 260 of the Income Tax Assessment Act.” South Australian Annual Convention of the Taxation Institute of Australia, 1967.

“Good Faith in Contracting, Unconscionability, and Disclaimer Clauses.” Ontario Law Reform Commission, 1973–1974. (Three papers)

“A Study on Consumer Misleading and Unfair Trade Practices” (with others). Information Canada, 1976. (Two volumes.)

“Prices and the Poor.” (Position paper) Under contract for the National Council of Welfare, 1973.

“The Problems of Product Quality in the Consumer Marketplace.” (Report) Under contract to the Canadian Minister of Consumer and Corporate Affairs, 1971.

“The Law Relating to Consumer Credit and Moneylending.” Report to the Standing Committee of Australian Commonwealth and State Attorneys-General as member of Adelaide Law School Committee, July 1969.

**MAJOR WORKS IN PROGRESS**

“The Law and Economics of Canadian Competition Policy” (with Ralph Winter, Paul Collins and Edward Iacobucci). This manuscript has been accepted for publication by the University of Toronto Press.

“Mostly Smoke and Mirrors: NGOs and the WTO.” Paper presented to an International Conference at New York University in March 2000, commemorating the 200th anniversary at Library of Congress. This paper will be published in a volume of conference papers.

“Trade Policy and Food Safety.” With Julie Soloway. Paper presented at the University of Chicago Law School (February 2000).

“Government by Voucher.” With Ron Daniels. A book-length manuscript currently nearing completion.

“Law and Development: An Overview of the Evidence.” With Kevin Davis. Accepted for publication in the *Third World Quarterly*.

“Ethnicity and Development.” With Kevin Davis. Accepted for publication in *Law and Policy in International Business*.

“Law, Institutions and Development.” With Kevin Davis. A much longer version of the *Third World Quarterly* paper, presented at an IMF Conference in Washington in November 1999 on



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Second Generation Reforms, and currently under revision and elaboration, potentially with a view to producing a book-length manuscript.

“Economic Shocks: Defining a Role for Government.” With Edward Iacobucci. Accepted for publication by the C.D. Howe Institute as a book.

